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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

JESSE ARON ROSS
 Name
HDP P.O. Box 650
Indian Springs NV 89070
1095756
 Prison Number

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

JESSE ARON ROSS

Plaintiff,

vs.

BRIAN SANDOVAL et al.,

See page 1-A For Full
List of Defendants.

CASE NO. 2:17-cv-02386-APG-GWF
 (To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT

PURSUANT TO

42 U.S.C. § 1983, 28 USC Section 1367,
 NRS. 41.031, 41.032, 41.0322

Defendant(s).

Jury Demand

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Jesse Ross,
 (Print Plaintiff's name)

who presently resides at 22010 cold creek Rd Indian Springs NV 89070, were

violated by the actions of the below named individuals which were directed against

Plaintiff at High Desert State Prison Indian Springs NV. on the following dates
 (institution/city where violation occurred)

03-4-17, 03-09-17, and 4-9-16.
 (Count I) (Count II) (Count III)

1

1	1 Abiern coming	15	J. Falszek
2	2 AdAm Luxalt	16	Julia caldrin
3	3 Brian sandoval	17	L. Stewart
4	4 Brian williams	18	Lt. Owens
5	5 Catterwood	19	Lt. plumLee
6	6 c/o Vaughn	20	m. cerus
7	7 Dr. Mangapit	21	Malone
8	8 Dr. Sanders	22	Guentin Byrne
9	9 Dwight Neven	23	Perry Russell
10	10 H-wickham	24	Romeo Aranias
11	11 Jane Doe	25	S.L. Foster
12	12 James Dzurenda	26	Sgt. ontiveras
13	13 J. murphy	27	W. Glass
14	14 J. Turress		

15
16 Abbreviations

17 NDOC - NEVADA Department of Corrections

18 HDSP - High Desert State Prison

19 PSU - Protective Segregation Unit

20 MDS - Medical Delivery System

21 AR - Administrative Regulation

22 OP - Operating Procedure

23
24 Defendants Reside at same Address:

25 NDOC - 3955 W. Russell Rd. LAS VEGAS

26 N.V. 89118

27

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Make a copy of this page to provide the below information if you are naming more than five (5) defendants

1. ① Defendant Ahren Camino resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Nurse - Grievance Responder. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: employed by NDOC

2. ① Defendant Adam Laxalt resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Commissioner. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Commissioner - Nev. Board of Prison
Commissioners

3. ① Defendant Brim Sundown resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as President. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: President, Nevada ~~Prison~~ Board of
Prison Commissioners

4. ① Defendant Brim William S. resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Warden - HDSR. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: employed by NDOC

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

5 (a) Defendant Calderwood resides at _____,
(full name of first defendant) _____ (address if first defendant)
and is employed as Caseworker _____ . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: employed by NDoc

6 (a) Defendant CJ VAugh resides at _____,
(full name of first defendant) _____ (address if first defendant)
and is employed as Corrections Officer _____ . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: employed by NDoc

7 (a) Defendant Dr. mangapit resides at _____,
(full name of first defendant) _____ (address if first defendant)
and is employed as HOSP- Dentist _____ . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: employed by NDoc.

8 (a) Defendant Dr. Sanders resides at _____,
(full name of first defendant) _____ (address if first defendant)
and is employed as HOSP- Dentist _____ . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: employed by NDoc.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

9 Ⓛ Defendant Dwight Never resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Warden-HOSP. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Employeed by NDOC

10 Ⓛ Defendant H-Wickham resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as NDOC- Deputy Director. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Employeed by NDOC

11 Ⓛ Defendant Jane Doe resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Dental Assistant. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: initials "CB" - Employeed by NDOC

12 Ⓛ Defendant James Dzrenda resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as NDOC-Director. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Employeed by NDOC

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

13 (a) Defendant J. Murphy resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as RN-111-Director of Nursing. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDC

14 (a) Defendant J. Torress resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as HOSP-NURSE. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDC

15 (a) Defendant J. Faliszek resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Caseworker @ HOSP. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Employed by NDC

16 (a) Defendant Julio Caldrin resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Chpln/HOSP. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Employed by NDC

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

17 (1) Defendant L. Stewart resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as CASE worker . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDOC

18 (1) Defendant Lt. Owens resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Lieutenant . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDOC

19 (1) Defendant Lt. Hamlee resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Lieutenant . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by HSP

20 (1) Defendant M. Cervin resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as CASE worker . This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDOC

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

21 Defendant Malone resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as CASEWORKER. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDCC

22 Defendant Quentin Byrne resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as NDCC-Deputy Director. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDCC

23 Defendant Perry Russell resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as HOSP-Associate Warden. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDCC

24 Defendant Romeo Aranas resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as NDCC-Medical Director. This defendant is sued in his/her
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDCC

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

25 ② Defendant S. L. Foster resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as CASE worker . This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDOC

26 ③ Defendant Sgt. Antiveras resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Seurgen + . This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDOC

27 4) Defendant W. Glass resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as CASE worker . This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: employed by NDOC.

5) Defendant _____ resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as _____ . This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: _____

6) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish
to assert jurisdiction under different or additional statutes, list them below.

28 USC section 1367; NRS' 41.031, 41032, 410322

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

Plaintiff, is incarcerated at High Desert State
Prison ("HDSP"), and has been since 12-13-12. This action
Addresses Various Constitutional and state Law
torts, committed by Prison officials, including constitutionally
deficient medical, dental and optometry care, constitutionally
deficient outdoor exercise access; violations of RLUIPA,
the 1st Amend. Free exercise, 14th amend equal protection, violations
involving inadequate access to sanitation; Violations involving
IIEO, Negligence and gross negligence.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: Deliberate indifference to a serious medical need; ophthalmology care, A Violation of the 8th Amendment U.S. Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Williams; Dwight Neven, James Dzurenda, Jr Murphy; L-Stewart, ABuen Camino; Rome Aravas, On or about 1 May 2015 , 1 July 2015 Plaintiff Filed regular and medical request forms for medically necessary eye glasses. Plaintiff received no responses on 6-16-16 Plaintiff submitted a regular inmate Request form to J. Murphy, one of the supervisory nurses, Plaintiff requested replacement of prescription eye glasses, the response stated "Your script is over 2 years old, you will need to see the eye doctor for another exam we CANNOT" re-order glasses for scripts older than 2 years - You are put on the eye clinic wait list no need to kite. THANK Md". when plaintiff received this response he also received a copy of his medical kite date 7-1-15 with the same response. This policy of not providing at least temporary replacements of old scripts is itself Deliberately indifferent, and the policy is made by Defendants DZurenda, Williams and Aravas in their official capacities and are proper defendants because The 8th Cir-

Count I Continued

1 has held them to be properly named. (see Plaintiff's
 2 Legal Brief in support of "SAC" section 1 suits Against
 3 supervisory STAFF for injunctive relief), Plaintiff needs
 4 eye glasses for poor Vision. Plaintiff's eye condition is
 5 Right eye - 1.00 SPH; 1.25 cyl; - Left eye
 6 -1.75 SPH; -100 cyl, which is extremely poor vision.
 7 Plaintiff was not seen until 04 March 2017, about 670 days
 8 from the initial request. During this period Plaintiff suffered
 9 headaches, Blurry vision and had his nose broke. By A
 10 soccer ball because Plaintiff did not see the soccer ball
 11 until it was to late to deflect, Plaintiff would have
 12 been able to deflect the soccer ball had he had eye glasses.
 13 A outside vendor provides, by contract optometry care to
 14 offenders at HDSR. Dr. Leeks the optometrist, comes 1 times
 15 day per month for 4-5 hours for approximately 4,000
 16 offenders.

17 On 01-03-15 Plaintiff notified Defendant Stewart (A
 18 (CN III) Certified Nurse Level 3) in writing of his need for
 19 optometry care (through the Administrative Remedial process), stating
 20 in part "The unnecessary Administering optometry care is causing me
 21 great difficulty". Defendant Stewart stated in All caps "we only have
 22 one provider for Vision services. we have a very long list of
 23 inmates who are waiting to see this provider. You are on the
 24 list and will be seen in order of request date. grievance
 25 denied date 1-06-16 Plaintiff appealed to the First Level,
 26 stating optometry care is a right and if necessary the prison
 27 ought to hire additional staff. At the First level response

Count I Continued

1 The Director of Nursing at "Hosp" ABuercamino stated
 2 "you are scheduled to see the eye doctor as soon as
 3 possible, if there is a life threatening issue, you may use
 4 the man down procedure". grievance denied. Plaintiff
 5 Appealed to the Mooc-medical Director, who stated,
 6 "inmates are seen by the optometrist in the order that
 7 requests for exams are received. The optometrist is not
 8 an employee of the state, and he is generally at the ~~sta~~
 9 Facility Approximately one day per month, this limits the
 10 number of inmates who can be seen and how often.
 11 On 07-25-16 Plaintiff Again filed a grievance because Plaintiff
 12 Suffered A broken nose due to not being able to see,
 13 Defendant Stewart stated grievance, "upheld", You are scheduled
 14 to see the eye specialist, Any Life threatening medical
 15 issues use the man down process! PlaintiffAppealed
 16 to the First Level where ABuercamino stated in part
 17 "You are scheduled to see the eye doctor As soon As
 18 possible", grievance denied. PlaintiffAppealed to the
 19 Second Level and the Mooc-medical Director Romeo
 20 ArANAS stated "Appointments with the optometrist are
 21 scheduled in the order that they are received. only A
 22 Limited Number of inmates can be seen each month.
 23 Defendants Stewart, ABuercamino, ArANAS were aware of
 24 Plaintiff need for eye glasses, the unconstitutional delay
 25 of optometry care and Failed to remedy the Constitutional
 26 Violation. Defendants ArANAS, DZurenda, Meven were
 27 Primary Policy Makers and responsible for recruiting

Count 1 Continued

1 and retaining sufficient optometry STAFF, and were
2 deliberately indifferent to Plaintiff's optometry care
3 need by failing to create customs policies, and
4 failing to hire sufficient numbers of STAFF, see
5 Plaintiff Legal Brief in support of "SAC" section
6 suits Against supervisory STAFF. For injunctive Relief!
7 Doctor 1 day per month for 4 hours For 9,000
8 offenders is plainly and obviously not sufficient.

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COUNT II

The following civil rights has been violated: Negligence, gross negligence, and intentional infliction of emotional distress, Counterpart to Count 1, State Law Tort NRS 41.031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Williams, Dwight Neven, James Ozurendy, J. Murphy; L. Stewart, ABuen camino; Romeo AranAs, On or about 1 May 2015, 1 July 2015, 06-16-16 Plaintiff submitted medical/optometry care requests, Plaintiff has A ~~set~~ objectively serious medical need, requiring eye glasses, Plaintiff ~~was~~ was not seen by an optometrist until 04 March 2017, 670 days after request. Plaintiff notified L. Stewart, ABuen Camino and AranAs in writing, who each responded that there was only one eye doctor for one day per month for the entire Facility, Acting in their administrative capacities as grievance responders, each had a duty of care to act reasonably, each failed (by not expediting). The failure of this duty caused plaintiff's damages, (about 600 days of blurry vision, headaches, watery eyes, and ultimately a broken nose because plaintiff could not see well enough to deflect a soccer ball). Defendants Williams Ozurendy, Neven, AranAs, were negligent in creating policies, (as each is a senior administrator) to ensure the timely adequate

Count 2 Continued

1 Delivery of medical / optometry care, were each
2 Negligent in recruiting and retaining sufficient
3 Number of optometry STAFF; And These senior
4 Administrative Administrators were negligent in training
5 and Supervising subordinates. The foregoing also
6 caused Plaintiff's or was the CAUSA Proximate
7 of Plaintiff's Blurry Vision, watery eyes, headaches
8 for 600 days, and Broken Nose which caused
9 Plaintiff substantial emotional / Physiological
10 distress, which thereby constitute Intentional
11 (or Reckless) infliction of emotional distress.

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COUNT III

The following civil rights has been violated: Deliberate indifference to A serious medical need, A Violation of the 8th Amendment to the U.S Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Romeo Aranas; Dwight Neuen; James Dzurenda; Brian Williams; M. Cervas; J. Turress.
On 8 April 2016 Plaintiff was doing laps in the 7/8 Quad when a soccer ball went astray and broke Plaintiff's nose. Plaintiff sustained a deviated septum (broken nose), 2 black eyes, 2 lacerations on the right side of his face where the bone from the nasal cavity protruded, and partial (right side of face) neurological paralysis, which persists to this day. Plaintiff submitted a medical request in person to Nurse J. Turress on 4-09-16, and showed Turress Plaintiff's obvious broken nose, to which she deliberately indifferently stated drink some water you'll be ok in the morning. It doesn't appear that Turress processed Plaintiff's medical request as the prison has no record of it (but Plaintiff has carbon copies). Plaintiff submitted additional requests for medical care on 4-18-16, 5-12-16, all release or care. On 4-11-16 Plaintiff was forced to straighten his nose. (Fixate septum) in the cell. On 06-16-16 Plaintiff

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? Yes No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

Count 3 Continued

1 Submitted A grievance with the carbon copies of his
 2 medical Kites, stating I needed to see A medical provider
 3 For my Broken Nose, Defendant M-CERVAS Stated
 4 grievance "denied" w/ record of Broken Nose. Plaintiff
 5 Was interviewed by A medical provider on 11-29-16, Prescribed
 6 IBuprofen, ordered X-Rays. The Dr. Stated the STATE
 7 would not PAY for evaluation or treatment of the
 8 neurological Paralysis. Plaintiff was NOT examined
 9 or evaluated, only interviewed. Finally on 9-16-17
 10 Plaintiff was actually examined and evaluated by Dr.
 11 Brinn. Dr. Brian examined plaintiff's nasal cavity and
 12 discussed substantial inflammation, Prescribed IBuprofen,
 13 Nasal spray, and stated I probably should go to
 14 a nose, ear, throat specialist for evaluation. On 11-20-17 Plaintiff was seen by a different Dr. who
 15 Stated That I wasn't going to the specialist refilled
 16 Plaintiff prescription. J. Torres was deliberately indifferent
 17 For Not scheduling Plaintiff for medical care expeditiously,
 18 and making indifferent statements. Defendant M-CERVAS
 19 was deliberately indifferent, Because Plaintiff made CERVAS
 20 aware of the Broken Nose and pain in writing, and
 21 instead of providing adequate timely care, Failed to remedy
 22 the constitutional violation, denied grievance, which is A
 23 denial to Access to care. Finally Defendants
 24 Arcanas, Neven, Williams and Dzurenda are senior
 25 Administrative STAFF (sued in this Count, ONLY AS
 26 official Capacity Defendants, See Plaintiff's
 27

Count 3 continued

1 Legal Brief in support of "SAC" section 1
 2 Suits against Supervisory STAFF For injunctive relief")
 3 Because The "MDS" at HSP is so deficient, AS
 4 the system and policies in place, of processing
 5 medical requests, and scheduling medical APPointments is
 6 so deficient, and creates undue delay, that
 7 the System and Policies are deliberately indifferent.
 8 having to wait 7 months for A medical interview and 15months
 9 (4-18-16 to 9-18-17) For an actual medical examination
 10 and evaluations is representative of the deficiencies.
 11 The Administrative Staff were deliberately indifferent
 12 in creating policies and recruiting and ~~not~~ retaining
 13 medical STAFF , preventing the Administration and
 14 Continuity of medical care. According to Dr. Brian
 15 ON 09-18-17 , He was only Allowed to work at
 16 the Prison 4 Ours per day 4 days per week, and
 17 the only provider for 4,000 inmates.

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COUNT 4

The following civil rights has been violated: Negligence and/or gross negligence
Counterpart to Count 3, STATE LAW TORT, NRS 41.031
Administrative (not medical) Negligence.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Rome Aranas; Dwight Neven; James Ozurenda;
Brian Williams; M. Cervas.

On April 8 2016 Plaintiff sustained A Broken Nose - Due to the deficient "mos" at "NDSR" Plaintiff was forced to Fixate his own Nose, and did not received an ACTUAL medical examination until 4-9-17 (Although he was interviewed by a doctor on 11-29-16). Plaintiff notified medical staff in person and in writing on 4-9-17, 4-18-16, 5-12-16. On 6-16-16 Plaintiff Notified A grievance coordinator M. Cervas of Plaintiff's injuries, with carbon copies of medical requests attached, and Defendant Cervas in an Administrative capacity refused to schedule Plaintiff for medical care, M. Cervas was negligent/grossly negligent, As denying the grievance was Denying Access to medical care, M. Cervas had A duty (to Administratively uphold plaintiff's grievance) Failed in SAID duty - causing Plaintiff further Damage Defendants Aranas, Neven, Ozurenda, Williams, are senior Administrative Policy MAKERS/ supervisors within the NDOC.

Count 4 Continued

1 Each of these Defendants are responsible for creating
2 policies, recruiting, retaining and supervising staff,
3 and ensuring the timely and adequate delivery of
4 medical care at HDSP. These Defendants have
5 been negligent/grosely negligent in creating policies,
6 recruiting, retaining and supervising staff, sufficiently.
7 This Failure Not episodic, But Systemic. These
8 Defendants are fully cognizant of these deficiencies,
9 As The USDC - D. Nev. Court Pockets are
10 full of Lawsuits against these Defendants
11 for the same torts. The Failure of their
12 Administrative duties are the direct and
13 proximate cause of plaintiffs damages.

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COUNT 5

The following civil rights has been violated: Deliberate indifference, Failure to provide Adequate outdoor exercise, A violation of the 8th Amendment to the U.S. Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: H. Wickham; Brinn Williams, Quentin BYRNE, W. GLASS; Perry Russell, James Dzurenko. Between 11-5-16 /-03-18 Plaintiff was housed in "PSU" From 11-5-16 to 08-24-17 in unit 11-A-3 and 8-24-17 to 1-3-18 in 11-e-27, 424 day s. During this period of time unit 11 has experienced excessive Lockdowns, in fact, more Lockdowns from January 2017 to January 2018 than the LAST 5 years combined. The prison has established a schedule of 4 hours of outdoor exercise per week. The days for yard have changed (ie when Plaintiff was in 11-A-3 yard was Monday, Tuesday, wednesday, Thursday, and now that Plaintiff is in 11-e-27, yard days are Monday, wednesday, Thursday and Friday, one hour per day x 4 days per week). This 4 hours per week is insufficient to meet Constitutional minimum of 8 hours per week (Toussaint v. McCarthy 597 F.Supp. 1388, 1402 [N.D.CA 1984] AFF'd in part; Rev'd in part on other grounds 801 F.2d 1080 9th Cir. 1986), and also violates The Geneva convention on the prevention of Crime and treatment of offenders, held 1955, Approved 1957

Cant 5 continued

1 revised, reapproved May 22 2015, which requires
 2 one hour of exercise, in open air per day. Between
 3 1-3-17 to 1-3-18 there were 208 ~~eligible~~
 4 scheduled yard days, out of the 208 scheduled
 5 yard days yard was either cancelled completely
 6 or unreasonably delayed over 70 times.
 7 On May 2 & 4 yard was cancelled completely so staff
 8 and CO's could party at the prison gym. (on
 9 2-7-17 Plaintiff only received 39 of the 60 minutes
 10 scheduled). Please see page 6^{G-1-23} for a full list
 11 of delays or cancellations of yard from 1-3-17
 12 to 1-3-18. It is important to note these delays were
 13 not irregular episodic instances, but the regular
 14 occurrence. This prolonged denial of outdoor exercise yard
 15 presents an Atypical hardship on Plaintiff. Level 2 (which
 16 is the same level as Plaintiff) offenders in general population
 17 at HNSP (same prison as Plaintiff) receive 90 to 120
 18 minutes of yard per day every day. At 6 of the 8
 19 Prisons Administered By NDOC (with the same or
 20 similar control level as Plaintiff Level 2) offenders
 21 receive up to 10 hours of yard per day or 50-70 hours
 22 per week. Plaintiff is clinically diagnosed with 1) Clinical
 23 depression 2) Clinical Anxiety, and is on the maximum
 24 psychotropic medication for each. The lack of regular outdoor
 25 yard (especially the Fri, Sat, Sunday - 72 hours of no yard)
 26 has substantially exacerbated Plaintiff's physiological
 27 (PANIC ATTACKS, extreme chest PAIN, hyper-tension).

Count 5 continued

1 and muscle Atrophy), symptoms, and psychological
 2 symptoms (depression, Anxiety, Anger, Sadness and
 3 regular suicidal ideation), for no penalogue purpose.
 4 The irregularity of outdoor yard also prevents plaintiff
 5 from establishing a regular workout routine, as
 6 notification of delay or cancellation does not exist, we
 7 wait to be released in hope. The schedule for 4 hours
 8 per week was created by warden [Defendant] Brian Williams.
 9 Plaintiff Filed multiple grievances putting the following
 10 Defendants on notice of the Constitutional Violations,
 11 each Failed to Remedy the Constitutional Violation:
 12 H.Wickham, Brian Williams; Quentin BYRNE, W. Glass, Perry Russell.
 13 Defendant Wickham STATED in part "Safety & security needs are
 14 always a Priority" -- you are receiving 4 hours
 15 of yard per week; Quentin W BYRNE STATED "4 hours of
 16 yard time per week", grievance denied. Brian Williams
 17 STATED "unit 11 is scheduled for 8 hours of yard time per
 18 week, This falls within (s.i) the state and Federal
 19 guidelines". And W. Glass responded STATED Yard - FAIL
 20 within state and Federal guidelines. I CANNOT find where
 21 your rights have been violated. Each of the above
 22 had the opportunity ~~and~~ fail to remedy the Constitutional
 23 Violations Plaintiff even provide the following
 24 in each grievance (1) Problem (2) relevant Federal
 25 case/law (3) The harm excessive lockdown caused,
 26 (4) Remedy. Finally Plaintiff submitted A grievance for
 27 every instance of delayed yard and each time

- YARD DATA
- 1 1-3-17 1341 hrs to 1415hrs 29 minutes of yard (1)
 - 2 1-5-17 No yard O (2)
 - 3 1-10-17 1342 hrs to 1415hrs 28 minutes of yard (3)
 - 4 1-12-17 1243 hrs to 1300hrs 17 minutes of yard (4)
 - 5 1-17-17 1325 hrs to 1415hrs 50 minutes of yard (5)
 - 6 1-19-17 1222 hrs to 1300hrs 38 minutes of yard (6)
 - 7 1-23-17 1222 hrs to 1300hrs 38 minutes of yard (7)
 - 8 1-31-17 No yard O (8)
 - 9 2-7-17 1336 hrs to 1415hrs 39 minutes of yard (9)
 - 10 2-23-17 No yard O (10)
 - 11 3-9-17 1326 hrs to 1300hrs 34 minutes of yard (11)
 - 12 3-14-17 No yard O (12)
 - 13 3-16-17 12-14 hrs to 1300hrs 46 minutes of yard (13)
 - 14 3-18-17 0855 hrs to 0930 hrs 35 minutes of yard (14)
 - 15 4-6-17 No yard O (15)
 - 16 4-8-17 No yard O (16)
 - 17 4-20-17 1337 hrs to 1415hrs 38 minutes of yard (17)
 - 18 4-24-17 1227 hrs to (18)
 - 19 4-25-17 No yard O (19)
 - 20 5-1-17 1220 hrs to 1300hrs 40 minutes of yard (20)
 - 21 5-2-17 No yard - STAFF BBQ @ gym O (21)
 - 22 5-4-17 No yard - STAFF BBQ @ gym O (22)
 - 23 6-29-17 12-30 hrs to 1300hrs 30 minutes of yard (23)
 - 24 7-27-17 No yard O (24)
 - 25 8-2-17 No yard to O (25)
 - 26 8-7-17 1215 hrs to 1300hrs 45 minutes of yard (26)
 - 27 8-9-17 0900 hrs to 0945 hrs 45 minutes of yard (27)

- 1 3-14-17 12 13 hrs to 13 00 hrs 47 minutes of yard (26)
- 2 3-21-17 12 30 hrs to 13 00 hrs 30 minutes of yard (29)
- 3 3-22-17 No yard 0 (30)
- 4 3-23-17 No yard 0 (31)
- 5 3-24-17 (11-2-27) No yard 0 (32)
- 6 3-25-17 No yard 0 (33)
- 7 3-31-17 No yard 0 (34)
- 8 4-1-17 No yard 0 (35)
- 9 4-7-17 12 22 hrs to 13 00 hrs 38 minutes of yard (36)
- 10 4-8-17 No yard 0 (37)
- 11 4-11-17 No yard 0 (38)
- 12 4-13-17 08 05 hrs to 08 30 hrs 25 minutes of yard (39)
- 13 4-14-17 12 26 hrs to 13 00 hrs 34 minutes of yard (40)
- 14 4-20-17 07 37 hrs to 08 20 hrs 43 minutes of yard (41)
- 15 4-21-17 12 10 hrs to 13 00 hrs 50 minutes of yard (42)
- 16 4-4-17 No yard 0 (43)
- 17 4-11-17 07 39 hrs to 08 25 46 minutes of yard (44)
- 18 4-12-17 No yard 0 (45)
- 19 4-16-17 13 23 hrs to 14 10 hrs 47 minutes of yard (46)
- 20 4-20-17 No yard 0 (47)
- 21 4-23-17 13 30 hrs to 14 15 hrs 45 minutes of yard (48)
- 22 4-26-17 12 20 hrs to 13 00 hrs 40 minutes of yard (49)
- 23 5-1-17 No yard to 0 (50)
- 24 5-2-17 No yard to 0 (51)
- 25 5-6-17 13 26 hrs to 14 15 hrs 49 minutes of yard (52)
- 26 5-8-17 08 10 hrs to 08 30 hrs 20 minutes of yard (53)
- 27 5-9-17 12 40 hrs to 13 00 hrs 20 minutes of yard (54)

- 1 11-13-17 1325hrs to 1415hrs 50 minutes (55)
- 2 11-16-17 Noyard to O (50)
- 3 11-17-17 Noyard to O (57)
- 4 11-22-17 0730hrs to 0830hrs 40 minutes of yard (58)
- 5 11-23-17 Noyard to O (59)
- 6 11-24-17 10-12hrs to 11hrs 48 minutes (60)
- 7 11-27-17 1325hrs to 1410hrs 45 minutes of yard (61)
- 8 11-29-17 0744 hrs to 0830 46 minutes of yard (62)
- 9 11-30-17 1225hrs to 1300hrs 35 minutes of yard (63)
- 10 12-1-17 Noyard to O (64)
- 11 12-6-17 0750hrs to 0830 hrs 40 minutes of yard (65)
- 12 12-7-17 1252 hrs to 1300hrs 8 minutes of yard (66)
- 13 12-11-17 1345hrs to 1415hrs 30 minutes of yard (67)
- 14 12-13-17 0747hrs to 0830hrs 43 minutes of yard (68)
- 15 12-14-17 1210hrs to 1300hrs 50 minutes of yard (69)
- 16 12-15-17 1012 hrs to 1100hrs 48 minutes of yard (70)
- 17 12-16-17 1326hrs to 1405hrs 39 minutes of yard (71)
- 18 12-20-17 Noyard to O (72)
- 19 12-21-17 Noyard O (73)
- 20 12-22-17 Noyard O (74)
- 21 12-25-17 1332 hrs to 1415hrs 43 minutes of yard (75)
- 22 12-27-17 0753 hrs to 0825hrs 32 minutes of yard (76)
- 23 12-28-17 1230 hrs to 1235 hrs 5 minutes of yard (77)
- 24 1-1-18 1334hrs to 1415hrs 41 minutes of yard 78
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1 Lockdown DATA At HDSP.

2 The Lockdown DATA Below represents Periods
 3 of "modified Lockdown at HDSP, which is Just a
 4 Label to identify the cancellation of tier, law
 5 Library, yard, and being forced to stay in cell.
 6 Notably, Since Brian Williams has become the
 7 Warden at HDSP (around January 1 2017), The
 8 Prison has experienced un presented Periods of
 9 Lockdown, more Lockdowns in the past 12 months
 10 than the Previous 10 Years Combined. These
 11 Lockdowns are the normal course of Business for
 12 Mr. Williams, Allegedly due to Staff short FALLS, However
 13 All the C/O's State they are willing to work, but
 14 are Just not scheduled to.

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Lockdown DATES

(1) 1-1-17	(11) 5-14-17	5-2-17
(2) 3-19-17	(12)	5-4-17
(3) 3-30-17	(13)	5-14-17
(4) 4-6-17	(14)	7-6-17
(5) 4-8-17	(15)	7-7-17
(6) 4-9-17	(16)	7-12-17
(7) 4-14-17	(17)	7-27-17
(8) 4-21-17	(18)	8-2-17
(9) 4-28-17	(19)	8-22-17
(10) 4-30-17	(20)	8-23-17

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1 Lockdown DATA continued

2	(21) 8-24-17	(47) 12-20-17
3	(22) 8-25-17	(48) 12-21-17
4	(23) 8-26-17	(49) 12-22-17
5	(24) 8-27-17	(50) 12-24-17
6	(25) 8-31-17	(51) 12-26-17
7	(26) 9-1-17	(52) 12-28-17
8	(27) 9-8-17	(53) 12-29-17
9	(28) 9-9-17	
10	(29) 9-10-17	
11	(30) 9-15-17	
12	(31) 10-12-17	
13	(32) 10-20-17	
14	(33) 10-22-17	
15	(34) 10-28-17	
16	(35) 11-1-17	
17	(36) 11-2-17	
18	(37) 11-4-17	
19	(38) 11-5-17	
20	(39) 11-16-17	
21	(40) 11-17-17	
22	(41) 11-19-17	
23	(42) 12-8-17	
24	(43) 12-13-17	
25	(44) 12-16-17	
26	(45) 12-17-17	
27	(46) 12-18-17	

Count 5 Continued

1 Defendant Perry Russell rejected the Filing
2 As being A Duplicate grievance even though each
3 instance was a different date, by Rejecting
4 the Filing Perry Russell prevented Plaintiff from
5 possibly receiving yard. Defendant James Ozurendia
6 is The Chief policy maker and is Being sued in this
7 Count only as an official capacity defendant
8 For Failing to create, implement Policy that ensures
9 Adequate Access to yard The Policies in place are violative
10 of the 8th Amend. (see Plaintiff's Legal Brief
11 in support of 'SAC' section 1. suits Against
12 Supervisory STAFF For injunctive relief").

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COUNT ■ 6

The following civil rights has been violated: Negligence and/or gross Negligence
Counterpart to count 5; state Law tort NRS 41.031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: H. Wickham; Brian Williams; Quentin Byrne;
W. Glass; Perry Russell, James Ozurenda.

Each of the above defendants owed A duty of care to Plaintiff, Failed in said duty and the Failure was the direct or proximate cause of Plaintiff's injuries/damages. The Senior Administrative officials, Wickham, Williams, Byrne Russell, Ozurenda were negligent in training and supervising subordinate staff, were negligent in creating policies to ensure Timely and Adequate Access to outdoor exercise yard. W. Glass was negligent in causing the tort, by denying Plaintiff relief through the grievance process. The negligent/ Grossly Negligent creations of Policies and training and supervision denied plaintiff (the Federal minimum) Access to yard in an unreasonable manner. Between 1-3-17 to 1-3-18 Plaintiff was scheduled for 4 hours of yard per week, during this period of time yard was cancelled (for staff party/ BBQ at the Prison gym) or unreasonably delayed more than 70 times. Plaintiff has suffered substantial physiological/ psychological harm, As Plaintiff is clinical diagnosed and medicated For (1) clinical clinical Anxiety (2) clinical depression

COUNT 7

The following civil rights has been violated: Intention infliction of emotional distress; Counterpart to count 5,6 - State Law Test; NRS 41.031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: H. Wickham; Brian Williams; Quentin Byrne; W. Glass; Perry Russell; James Dzurenda 1-3-17 to 1-3-18 Plaintiff was subjected to prolonged, unnecessary in cell Lockdown. Plaintiff was schedule for exercise yard 4 days per week, 208 days total, of which more than 70+ were canceled or unreasonably delayed. There were more Lockdowns in this one year period than the previous Five years combined. Brian Williams, created a yard policy that restricts yard access to 4 hours per week, in violation of Federal and International minimum standards. Defendants Wickham, Williams, Byrne, Glass, and Russell were notified, in writing by Plaintiff of the insufficient yard time, unreasonable delays and cancellations, and having administrative Authority to cure the problems refused to fix the problem. The Failure of these defendants to intervene constitutes a dereliction of there duty and is the tort of intentional infliction of emotional distress. The Failure of the defendants, to provide humane conditions has Substantially exacerbated Plaintiff's mental health conditions. (1) Clinical Anxiety (2) Clinical depression

Count 7. Continued

1 (For which Plaintiff is on the maximum dosage of
2 psychotropic medication permissible, for each). Causing Plaintiff
3 substantial physiological harm (panic attacks, chest pain,
4 hypertension, muscle Atrophy), psychological harm (depression,
5 Anxiety, Anger, suicidal ideation) and A hostile living
6 environment because most all other offenders are
7 experiencing the same harm. Out of a 168 hour week,
8 Plaintiff is Locked in cell for 143 hours with another
9 offender, on a good week. This violates contemporary
10 standards of decency that mark the progress of a mature
11 society and ought to shock the conscience of an
12 ordinary person.

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COUNT 8

The following civil rights has been violated: Violation of the Due Process Clause of the 14th Amendment to the U.S Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Lt. Owens, Perry Russell, James Dzurenda, Brian Williams. From January 3 - 2017 to January 3 - 2018 HDSP-Operating Procedure 717 was in effect and governed Plaintiff in "PSU" and Plaintiff Access to yard. This "OP" gave rise to A Liberty interest. (See "Plaintiff' Legal Brief in support of "SAC" Section #3 "State created Statutes & Policies that give rise to A Liberty interest, requiring Procedural/substantive due process"). This Policy provided that Plaintiff was to receive 4 hours of yard per week. However, as reflected by "YARD DATA" pages 6-G- 1, 2, 3 Plaintiff was denied These 4 hours per week, over 70 times, and was not afforded due process. In Fact when plaintiff sought procedural administrative remedies, Defendant Russell rejected the filings, stating it was an Abuse of grievance process, to file a grievance each time plaintiff was deprived of yard. The delays and cancellations were done by Defendants Owens, Perry, Williams. Defendant Dzurenda Failed to create policies to AFFORD due process and is named only in official capacity for this Count. (See Plaintiff' Legal Brief in support of SAC § 1 Suits Against Supervisory STAFF for injunctive relief). Plaintiff has suffered Physiologically/psychologically.

COUNT 9

The following civil rights has been violated: Deliberate indifference, Conditions of Confinement, Failure to Provide Adequate Sanitation; A violation of the 8th Amendment U.S. Constitution

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Ozurendat, J. Falizzek, Dwight Neven, H. Wickham. Around July 2015 Plaintiff left main line yard and entered "PSU", and has remained in "PSU" to present date 1-3-18. During this entire period of time the HOSP outdoor yard has not had A Restroom. Even though other MoCo Facilities have toilets on the yard. The ~~PSU~~ Prison is Located in arid region, requiring Plaintiff (and other offenders) to hydrate. During the scheduled yard time, when Plaintiff and other offenders have had to use the Bathroom, the C/O's who control outdoor/indoor movement have mostly refused to Allow Plaintiff to go in to use the Bathroom causing Plaintiff to soil himself(DATES will be provided), and caused Plaintiff ~~to~~ and other offenders to urinate/defecate on the yard, causing unsanitary conditions as well as embarrassment/humiliation. On the rare, ~~and~~ occasions where the C/O controlling indoor/outdoor movement answered the call button (which is Very RARE) and allowed Plaintiff in to use the Bathroom, The C/O would not allow Plaintiff BACK out to yard, thereby ending yard time. In some cases Plaintiff was forced to go without A Bathroom for up to 2 hours or more.

Plaintiff had About 4-5 verbal discussion with (caseworker)
 Defendant Faliszek. Faliszek being the unit supervisor, overseeing
 the officers who would not let Plaintiff in for restroom use, can't
 have ordered these officers to Allow for bathroom use. Faliszek'
 exact words word "I don't know what to tell you". After
 About 2-3 months, 4-5 conversations with Faliszek, He
 gave Plaintiff an informal grievance. In the informal grievance
 (which Faliszek Answered denied) Plaintiff STATED in
 PART "I am Filing this grievance because the yard doesn't
 have a bathroom -- . The C/O's can't let us in
 & can't for bathroom breaks -- even if we are permitted
 a bucket that would be better than nothing". Defendant
 Faliszek stated "Grievance denied" "you are not being
 denied recreation time on yard. If you need to use
 restroom Facilities while on a recreation time on the
 yard, you are allowed back in the unit, But you will not
 be allowed back out. Your proposed remedy of ;? a bucket
 is better than nothing? is not sanitary or reasonable". Faliszek
 took no action and the lack of Access persisted. Plaintiff
 FormallyAppealed to the warden Dwight Never. Never
 STATED "The caseworker addressed this issue appropriately.
 Never took no Action in spite of the lack of Sanitation.
 So PlaintiffAppealed to the Director who took
 18 months to respond. Defendant Wickham reviewed my
 Complain and Stated "I have reviewed your 2nd Level
 grievance and Agree with the warden of HDSR. Grievance denied.
 Wickham refused to remedy the obvious lack of Adequate

1 Sanitation at HOSP. This Problem persists. Plaintiff is
2 Forced to hold his bowel movements and other functions, which
3 is not healthy and will eventually cause medical problems,
4 or go in the open on the yard. James Dzurenda is
5 being sued in his official capacity for this Count,
6 because he has failed to create policies that ensure
7 Adequate and timely access to restroom facilities
8 during yard. (See Plaintiff Legal Brief in support of
9 "SAC", suits Against supervisory staff for injunctive relief").

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COUNT 10

The following civil rights has been violated: Negligence - Counter Part
to Count 9 - STATE LAW TORT NRS 41-031.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzurenda; J. Fuliszek; Dwight Neven;
H Wickham.

Between July 2015 to 1-3-18 The Above Defendants Failed to Allow Plaintiff ACCESS to restroom Facilities during recreation yard time, up to 2 or more hours at a time, causing Plaintiff to soil himself, or go in plain view of other offenders, causing unsanitary yard conditions. Plaintiff made Defendants Fuliszek, Neven and Wickham aware of plaintiff need, in writing, each Failed to respond reasonably. Defendant Dzurenda Failed to create policies to ensure Adequate Access to restroom Facilities, and Failed as the most senior supervisor of MDC to Train and Supervise Fuliszek, Neven and Wickham in the scope of their employment, as was his duty, said Failure contributed to plaintiff's injuries/ damages.

COUNT 11

The following civil rights has been violated: Deliberate indifference, conditions of confinement; Failure to provide Adequate sanitation A Violation of the 8th Amendment. U.S. Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzurenda; Dwight Neven; Malone Calderwood, S.L. Foster. From 7-24-15 to 11-5-16 Plaintiff was housed in unit 7 at HBSR which is "psu". During the relevant time referenced defendants installed and maintained technological devices which restricted the toilets in the cells plaintiff was housed in, with another offender to only flush once every 15 to 20 minutes. These devices and the policy of utilizing such devices caused a toxic living environment. The cell and doorway often smelled of raw sewage, since plaintiff could only flush the toilet at a delay (and often the toilets would not completely flush, leaving residual fecal matter). Plaintiff (and other offenders) were deterred from using the toilet until plaintiff's cellmate would go out to tier. Other offenders would defecate in the showers, and the officers were aware of this. Plaintiff notified Defendant Faliszek, who stated "oh well that's prison". Plaintiff also filed a grievance who defendant Malone stated "Flushing restriction in place to conserve water". Plaintiff appealed to defendant Calderwood and S.L. Foster Both deferred to

Count II continued

1 Defendant Malone, and refused to take action to
2 remedy the situation. Dwight never and James
3 Dzurenda are sued only in official capacity For
4 this Count, Because The Policy of having the
5 restricted Flushing was created OR maintained
6 by these 2 policy makers. (See Plaintiff's Legal
7 Brief in support of "SPC", for section 1 Suits against
8 supervisory STAFF for injunctive relief). This caused
9 A toxic Living environment.

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COUNT 12

The following civil rights has been violated: Negligence - Counter part to
Count 11 - State Law tort NRS 41-031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzurenda, Dwight Neven, Malone, Calderwood, S.L. Foster. From 7-24-15 to 11-5-16 The Above defendants maintained Technological Devizes Restricting the Flushing of ih cell toilets, creating unsanitary conditions. The Above defendants had a duty to provide Adequate Access to Bathroom use and Sanitary Conditions. Failed in the re duty CAtsing a toxic living environment. Dwight Neven, James Dzurenda being Senior Supervisors Failed to Train and Supervise Defendants Malone, Calderwood, S.L. Foster, and Failed to create A policy ensuring Sufficient Sanitation.

COUNT 13

The following civil rights has been violated: Intentional infliction of emotional distress - State Law tort; NRS 41.031; And Negligence

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Lt. Provincial, Lt. Owens; Lt. Plumlee; Perry Russell, C/O Vaughan; Sgt. Ontiveras; on or about September 2016 Lt. Provincial stated to Plaintiff "Stop looking at C/O 'Baron's ASS" (then in a lower voice he said "Faggot") Don't be offended. calling a gay person A Faggot is like calling A African American the "N" word. Lt. Provincial made this comment in front a bunch of C/O's and other offenders. Plaintiff was NOT looking at anyone's bottom. This was humiliating as Plaintiff had to endure derogatory comments & harassment by other offenders as a result of this statement. on May 20 2016 Plaintiff's cellmate was involved in a fight at the chashall, Lt. Provincial look directly at plaintiff and stated "give me an excuse, to blow some ones face off" on 10-26-16 (and the approx. 2 week prior and 2 weeks after) C/O Vaughan while working the gun rail was screaming, yelling profanity & used epithets at plaintiff in route to the chashall. The senior Administrative STAFF AT HDSP Russell, Owens, Provincial Ontiveras have promoted A Hostile, toxic Living environment so ripe for Abuse that it is a regular common

1 occurrence for officers to unlawfully and
 2 sadistically used excessive force and Beat, without
 3 cause, inmates. They recently shot & killed an inmate in
 4 handcuffs for a kicking fight. The Administrative Staff
 5 refuse to address the Verbal, sexual, psychological and
 6 physical Abuse of inmates. Sgt. Antiverus threatened to
 7 drag Plaintiff to "OPS" and tune him up. The combative and
 8 Escalative Attitude of the officers (And The Administrations
 9 tacit approval and Failure to Punish Abusive conduct) have
 10 created a hostile living environment causing Plaintiff, Nightmares,
 11 Fear for his personal safety, as it is only a matter of
 12 time before someone shoots or beats Plaintiff. This
 13 has caused Plaintiff panic attacks, and exacerbates
 14 his clinically diagnosed Anxiety & depression. Plaintiff
 15 has discussed this with 2-3 therapists, who acknowledge
 16 and agree that this is going on. This ultimately causes
 17 Plaintiff to avoid most out of cell activities. Prior to
 18 dismissing this claim, Plaintiff requests this court
 19 review Plaintiff's legal brief in support of "SAC" section
 20 4 humane treatment of offenders.

21 Society generally holds law enforcement to a higher ethical
 22 standard, yet these officers are held to a lesser standard
 23 than convicted Felons. Supervisory staff are liable for
 24 negligent training supervision (Supervisory Liability)

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COUNT 14

The following civil rights has been violated: refusal to provide religious diet accommodation,
A Violation of RLUIPA, 1st Amend U.S. const Free exercise, and
14th Amend U.S. const. equal protection.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Williams, Julio Calderon, James Ozur and Lt. Faliszek.
As early as 2014 Plaintiff submitted a "State of Nevada [NDoc] Religious/Spiritual Belief Diet Accommodation request and registration Form" (Herein after "Doc # 3060"). After no response on 2-3-16; 4-5-2016; 4-27-16 Plaintiff personally submitted, by hand delivery A Doc#3060 Form to defendant Calderon. Plaintiff is "registered" as a buddhist with NVDC-HOSP, and has been since entering NDoc - 2012. Plaintiff is sincere in his beliefs, follows the 4 noble truths, the 8 Fold Path, and the 10 Buddhist precepts. Plaintiff follows the teachings of The Tzu Chi Foundation, Dharma master shih yen Cheng and Thatch Muu Hau, and his holiness the DALI LAM. Plaintiff sincerely believes that A diet based upon ethical sourcing of plant-vegetable, nut, fruit Fish is absolutely necessary to Fully Practice his ~~any~~ religion. Plaintiff also believes that unnatural Processed/chemically preserved Foods (nitrites, nitrates etc.), violates religious practices of buddhism. Buddhism teaches that a (ethically grown) Nature based diet is Absolutely necessary for spiritual Balance and that Animal products and meat

Count 14 Continued.

1 IS NOT ACCEPTABLE FOR 2 REASONS: (1) meat is not Acceptable
 2 because a sentient being is being Butchered, causing negative Karma for
 3 Plaintiff (2) Animal based products such as eggs, milk, cheese are the
 4 Product of industrialized Farming/Dairy, which torture the animals that
 5 the products come from. This negative karma then causes cyclic
 6 re-incarnation or samsara preventing Plaintiff from reaching NIVANNA
 7 Slipstream. Chemical Additives cause a physio-spiritual impediment.
 8 Plaintiff explained this to Caldrin, and since the prisons does not have
 9 a spiritual diet to accommodate, Plaintiff offered to compromise,
 10 and take the common Fair diet, offered to Muslim, Jewish, 7 Day
 11 Adventists, because Common Fair most closely accommodates
 12 Plaintiff's needs, ie oatmeal, onions, carrots, bell peppers, quinoa,
 13 All Fresh Raw Vegetables. Caldrin personally denied Plaintiff's
 14 "Doc # 3060", Plaintiff appealed to caseworker Faliszek and
 15 Warden Williams per instructions on Doc # 3060 Form. Both stated
 16 grievance denied and refused to remedy the violations. Plaintiff is a
 17 religious minority member, similarly situated with muslim/Jewish
 18 offenders and denied equal access, further strict compliance
 19 with Plaintiff diet would just consist of fresh raw vegetables,
 20 Rice, Beans, oatmeal & toast. All of which the prison already
 21 buys. This has caused Plaintiff negative Karma, potentially
 22 causing Plaintiff to be born in the Hungry Ghost realm.
 23 James Dzurenda is sued As official (Policy MAKER) capacity
 24 for this count. See Plaintiff's Legal Brief in support of
 25 SAC 51.

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COUNT 15

The following civil rights has been violated: Negligence, II ED, Gross Negligence
Counterpart to Count 14, STATE LAW tort, NRS. 41031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants Brian Williams, Julio Caldrin, James Dzurenda, Faliszek.
Plaintiff has Attempted to receive A religious Diet Accommodation
As early AS 9-9-17 (see grievance # 2ce6302G391),
Filed Doc# 3060 Form on three separate occasion to
Defendant Caldrin. Defendant Caldrin, Williams, Faliszek refused
to Allow plaintiff to practice his religion through his diet. each
had A Duty to Allow plaintiff to have A religious diet
Consistent with his religious scruples. Failed in Said
duty - ~~and~~ whereby Plaintiff has Abandoned these
Beliefs as he had nothing else to eat. This has
caused Plaintiff to accrue negative KARMA. In other
words Plaintiff CAN be Reborn in Hell/hungry ghost
Realm. James Dzurenda, chief policymaker for MDC,
Failed to create policies, and train and supervise
Caldrin, Williams, Faliszek

COUNT 16

The following civil rights has been violated: Deliberate-indifference to A Serious dental Need; A violation of the 8th Amendment U.S. Constitution, And IIED, STATE LAW TUT, MRS 41.031.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: ABuen Camino; June Doe ("CB"); Dr. mangapit, Dr. Sanders, J. Turress; Rome Ara Nas, Perry Russell, James Ozurenda. On 8-18-15 Plaintiff was seen by Dr. mangapit, the prison dentist at HSP. Plaintiff had A molar tooth removed@ this time, #2, at this time plaintiff ask Dr. mangapit to fill the tooth #3 next to the extraction, and treat plaintiff's other teeth, As plaintiff had minor tooth pain from these cavities. Dr. mangapit refused to treat any of these cavities. From 8-18-15 to about 1-21-17 tooth #3 caused some PAIN but Not extreme. On or about 1-21-17 tooth #3 became inflamed, the nerve became exposed causing plaintiff extreme pain, difficulty eating, talking and sleeping. It Felt Like A ICE PICK being Jammed repeatedly into my Jaw/Face. Dr. mangapit was deliberately indifferent on 8-18-15 by refusing to treat plaintiff's teeth. Plaintiff submitted handwritten medical kites to J. Turress, directly by hand on (1) 1-31-17 (2) 1-27-17 (3) 2-6-17 (4) 2-9-17 - stating Plaintiff was in extreme pain, requesting "PAIN PACKS". Plaintiff's medical kites were processed by June Doe (initials "CB") on 2-7-17, 2-8-17, 2-14-17, 2-10-17. Plaintiff was NOT

Count 16 continued

1 Provided with PAIN PACKS, but instead ignored. Plaintiff
 2 Specifically, personally asked J. Torress at least twice for a
 3 pain pack, J. Torres said no and ignored Plaintiff. Jane Doe also
 4 refused to send Plaintiff a pain pack. Plaintiff was seen on
 5 3-27-17. This 6.5 day delay also constitutes deliberate-
 6 indifference. On 3-27-17 Dr. mangapit stated the tooth could
 7 be saved if Plaintiff could pay for a root canal. Plaintiff couldn't.
 8 Plaintiff asked Dr. mangapit to treat the tooth and save it, and
 9 to treat the tooth next to it, which was also painful. mangapit
 10 refused, and stated he would only extract one tooth. mangapit
 11 extracted # 3. Plaintiff asked if his other teeth could be saved
 12 by filings, mangapit stated yes, but that he would not treat them.
 13 After the extraction, Plaintiff again asked mangapit to treat
 14 Plaintiff's other teeth, to which mangapit stated "NO I am
 15 not going to fill your teeth". leaving Plaintiff with
 16 one painful cavity - two additional teeth became painful between
 17 3-27-17 to 12-11-17, for a total of 3 painful cavities.
 18 Plaintiff has 7-10 plainly visible cavities. on 03-30-17
 19 Plaintiff filed a grievance which was granted in full on
 20 4-03-17 by ABuen Curnino, which states "we will place
 21 you on the List to be seen by the Dental department
 22 regarding your dental problem -- upheld. Plaintiff was
 23 not seen, and Ibuprofen didn't even dint the pain.
 24 ON 11-6-2017 Plaintiff Filed An Injuncti A Motion For an
 25 injunction to treat Plaintiff's cavities. on 12-4-17 The
 26 Court ordered the State to respond by 12-11-17
 27
 28

1 On 12-11-17 Plaintiff was seen by defendant Dr. Sanders,
 2 The state filed its opposition to plaintiff motion for
 3 an injunction hours after plaintiff was seen by Dr. Sanders,
 4 stating plaintiff's dental needs had been met. But they
 5 have not. (see Plaintiff Jesse Ross Affidavit #1, on
 6 file). On 12-11-17 Dr. Sanders stated she was asked to
 7 see me, but did not know why I was to be seen.
 8 I explained to Dr. Sanders I had 3 teeth causing me
 9 pain, (which Ibuprofem was not helping), I
 10 explained I had 7-10 other cavities I needed treated,
 11 that I needed partial for my missing molars #30, 31, 32
 12 #14, #2, #3, Dr. Sanders did a cursory exam, diagnosed
 13 what Plaintiff believes to be 10-15 cavities, based upon
 14 Dr. Sanders exam that all Plaintiff's teeth could be saved.
 15 Dr. Sanders diagnosed calculus buildup (severe) causing
 16 bacterial growth into the gums, that should be immediately
 17 removed. Plaintiff stated please treat all of that,
 18 Dr. Sanders wanted to do the calculus and bacterial
 19 buildup first. But said pick one tooth for
 20 treatment. Dr. Sanders stated only one tooth would be
 21 treated. Therefore I chose 1 of 3 painful teeth,
 22 which she filled. After #4 was filled Plaintiff re-iterated
 23 that he had 2 other painful cavities, requested additional
 24 treatment. Dr. Sanders stated no she was leaving at 1 pm.
 25 Dr. Sanders stated that I would have to submit a request,
 26 and appointment for each cavity separately & only 1 tooth
 27 would be treated per visit. The first visit took 6.5
 28 days to get in the second 240 days.

Count 1C continued.

1 Dr. Sanders was aware of the other 2 cavities.
2 PAIN, and 10-15 others & did not treat them.
3 At 65 to 240 days per appointment per tooth X
4 10-15 teeth it will take Plaintiff 600, to 3,000
5 days for treatment. Defendant Russell
6 blocked Plaintiff's grievance from going to the
7 next level, by frivolously rejecting it, preventing
8 Plaintiff from possibly receiving further care.
9 Defendants Aranaris, Dzurenda, Both Directors,
10 are sued in this count in official capacity, for
11 the Policies that are unconstitutional, and failing
12 to attract and retain sufficient numbers of
13 Dentist / See Plaintiff Legal Brief in support
14 of "SAC" Section 1

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COUNT • 17

The following civil rights has been violated: Negligence, Gross Negligence,
Counterpart to Count 16 - STATE LAW Tort, NRS
41.031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzwenda, Romeo Aranas.

Plaintiff had A right t Adequate, timely access to Dental care, The Defendants Dzwenda, Aranas Had A Duty to provide A system of ready Access to sufficient Number OF Dentist in A timely manner. Dzwenda, Aranas Failed to create policies, Attract, retain sufficient numbers of Dentist, and to train and Supervise Dental STAFF. The Failure of there Duty is the Direct or proximate cause of Plaintiff's injuries, Plaintiff has Sustained DAMAGE in the Form of Lost teeth, and unnecessary PAIN, and gum bacterial growth-

• 6-2-3

COUNT 18

The following civil rights has been violated: Negligence and or gross negligence
STATE LAW TUT - NRS 41-031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants Brian Sandoval President ; Adam Laxalt
~~Prison Commissioner~~, Board of Prison Commissioners.
Sandoval and Laxalt AS Commissioners were negligent in creating Policies, and training and Supervising JAMES DZurenda, Romeo Acavas, Dwight Neven, Brian Williams, causing Plaintiffs injuries, The Constitutional and STATE LAW ferts enumerated in counts 1-17 of this complaint. These ~~two~~ two Commissioners had An ~~AFFIRMATIVE~~ AFFirmative Duty OF CARE to Plaintiff, Failed in that duty, the sum of which is the direct, proximate or contributing caus of plaintiffs injuries. The Board of Prison Commissioners Approves or denies All NDCC Administrative Policies, and are on notice of the ongoing unconstitutional conditions, As the Commissioners review and defend Against Suits Against NDCC-

-6-2-4

COUNT ~~18~~ 19

The following civil rights has been violated: Deliberate indifference, A violation of the 8th Amendment to the U.S. Constitution
NOT Supervisory Liability

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brim Sanduvat; Adam Laxalt; James Dzurenda, Romeo Aranas; Brian Williams. The Injuries Plaintiff has sustained from medical, optometry, dental, and custodial STAFF as enumerated in counts 1-18, were caused in part by the Failure to be properly trained. Laxalt, Sanduvat had a duty to train Dzurenda, Dzurenda had a duty to train Aranas and Williams; ~~Aranas~~ Aranas had a duty to train the medical, dental, optometry STAFF, Williams had a duty to train ~~the~~ owners Coldrin, Feilizek, Russell, Plumlee, Malone, Calderwood S.L. Foster, And were Deliberately indifferent by failing to train, and implement Adequate training Policies to ensure humane treatment. This Duty to train was imposed by SCOTUS in Count 19. See Plaintiff's legal Brief in support of "SAC", Section 2 Suits Against Supervisory STAFF for Failure to train

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? Yes No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: Sumr
- b) Name of court and docket number: USDC-2:17-cv-02240-MMP-PAC
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):
Dismissed without Prejudice or MTR from Plaintiff
- d) Issues raised: Conditions of confinement, I merged that case with this by Amendment.

- e) Approximate date it was filed: 9-1-17
- f) Approximate date of disposition: 10-10-17

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?
 Yes _____ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: Nye County
- b) Name of court and case number: UnKnew-USDC-N-Nev Kent J Drawsy
- c) The case was dismissed because it was found to be (check one): frivolous
 malicious or failed to state a claim upon which relief could be granted.
- d) Issues raised: Blanket Strip Search, Dismissed Caus Scotus
Charge Precident during Screening
- e) Approximate date it was filed: 2011
- f) Approximate date of disposition: 2012-13

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N A
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? Yes _____ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.
If your answer is "Yes", provide the following information. Grievance Number _____.
Date and institution where grievance was filed _____.

Response to grievance: Plaintiff filed grievances & exhausted all
levels for each count. The following is a list of
the grievance #s.

1) 2006 - 304-300
2) 2006 - 303 - 7009
3) 2006 - 304 - 43665
4) 2006 - 304 - 0688
5) 2006 - 303 - 5969
6) 2006 - 304 - 6394
7) 2006 - 302 - 2075
8) 2006 - 304 - 6391
9) 2006 - 302 - 5392
10) 2006 - 301 - 5764
11) 2006 - 302 - 4716
12) 2006 - 302 - 9648
13) 2006 - 302 - 8499
14)
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E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

SEE PAGE 9-A for List of full relief

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Samee

(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

Jesse Ross

(Signature of Plaintiff)

1-2-18

(Date)

(Additional space if needed; identify what is being continued)

Request For relief continued

1 Count 1:

2 Compensatory - \$ 100,000

3 Exemplary - \$ 10,000

4 Count 2:

5 Compensatory - \$ 50,000

6 Exemplary - \$ 50,000

7 Count 3:

8 Compensatory - \$ 50,000

9 Exemplary - \$ 10,000

10 Count 4:

11 Compensatory - \$ 50,000

12 Exemplary - \$ 10,000

13 Count 5:

14 Compensatory - \$ 500,000

15 Exemplary - \$ 100,000

16 Count 6:

17 Compensatory : \$ 50,000

18 Exemplary : \$ 50,000

19 Count 7:

20 Compensatory : \$ 5,000

21 Exemplary : \$ 1,000

22 Count 8:

23 Compensatory : \$ 10,000

24 Exemplary : \$ 1,000

25 Count 9:

26 Compensatory : \$ 5,000

27 Exemplary : \$ 1,000

Request for relief continued

1 Count 10:

2 Compensatory: \$1,000

3 Exemplary \$100.00

4 Count 11:

5 Compensatory: \$5,000

6 Exemplary: \$1,000

7 Count 12:

8 Compensatory: \$1,000

9 Exemplary: \$100.00

10 Count 13:

11 Compensatory: \$10,000

12 Exemplary: \$1,000

13 Count 14:

14 Compensatory - \$40,000

15 Exemplary - \$4,000

16 Count 15:

17 Compensatory - \$10,000

18 Exemplary - \$1,000

19 Count 16:

20 Compensatory - \$1,000,000

21 Exemplary - \$100,000

22 Count 17:

23 Compensatory : \$50,000

24 Exemplary : \$5,000

25 Count 18:

26 Compensatory - \$50,000

27 Exemplary - \$5,000

Request For relief continued

1 Count 19:

2 Compensatory \$10,000

3 Exemplary: \$1,000

4 Declaratory Relief; That the Court enter Declaratory
5 relief in all counts in favor of plaintiff.

6 Injunctive Relief;

7 (1) That the court appoint a special master to review
8 the MOS (including medical, dental optometry care) at
9 HDSP, to identify the constitutional deficiencies,
10 report the same back to the court, and that
11 the court order NDOC-HDSP to remedy said
12 deficiencies within 12 months of court order;

13 (2) That the court enter an order requiring NDOC-HDSP
14 to provide each offender 2 hours of outdoor yard per day;

15 (3) That the court order HDSP to provide plaintiff A
16 Religious Diet Accommodation of only Raw vegetables,
17 Fruits, Plants, mnts Fish - No Grains - Processed Food or
18 Animal Products, no Artificial preservatives,

19 And that should NDOC refuse any injunctive orders,

20 The court enter NDOC ~~into~~ into receivership of the
21 court

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Respectfully

Jesse R

Jesse Ross #1095156
HDS - P.O. Box 650
Indian Springs NV 89070

Clerk
U.S. District Court
District of Nevada
Lloyd D. George U.S. Courthouse
Case No: 2:17-cv-02386-APG-GWF
Ross-v-sandual.

1710230